
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Southwest Broadcasting, Inc.)	File No.: EB-FIELDSCR-14-00014576
Owner of Antenna Structure No. 1020058)	
)	NOV No.: V201432620004
)	
Centreville, MS)	

NOTICE OF VIOLATION

Released: April 3, 2014

By the District Director, New Orleans Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Southwest Broadcasting, Inc., owner of antenna structure number 1020058 in Centreville, Mississippi (Antenna Structure). Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On March 5 and 6, 2014, an agent of the Enforcement Bureau's New Orleans Office inspected the Antenna Structure and observed the following violation:

- a. 47 C.F.R. § 17.51(a): "All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified." According to the FCC antenna structure registration, the Antenna Structure exceeds 200 feet in height above ground and requires painting and lighting as specified in FAA circular number 70/7460-1J, chapters 3, 4, 5, and 13. At the time of inspection after sunset, an agent observed the top beacon and side lights were extinguished.³

3. On March 10, 2014, an agent of the Enforcement Bureau's New Orleans Office interviewed a representative of Southwest Broadcasting, Inc., about matters related to the Antenna Structure, and found the following violation:

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ On March 4, 2014, an agent contacted the FAA and verified there was not a current NOTAM for ASR 1020058. The agent subsequently requested a NOTAM be issued.

Federal Communications Commission

- a. 47 C.F.R. § 17.47(a): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: (a)(1) Shall make an observation of the antenna structure’s lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively, (2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the owner.” At the time of the interview, Southwest Broadcasting was unaware of the lighting outage on the Antenna Structure. Southwest Broadcasting’s representative told the agent that the lights on Antenna Structure were not visually monitored and that there was no automatic alarm system.

4. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Southwest Broadcasting, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

5. In accordance with Section 1.16 of the Rules, we direct Southwest Broadcasting, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Southwest Broadcasting, Inc. with personal knowledge of the representations provided in Southwest Broadcasting, Inc.’s response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

⁴ 47 U.S.C. § 403.

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

Federal Communications Commission
New Orleans Office
2424 Edenborn Ave., Suite 460
Metairie, La. 70001

7. This Notice shall be sent to Southwest Broadcasting, Inc., at its address of record.

8. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Dedrick Roybiskie
District Director
New Orleans District Office
South Central Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).